

REMARKS

Summary of the Response

The claims have not been amended. Claims 1-26 remain pending in this application. Reconsideration of the claims is respectfully requested.

Summary of the Rejections

Claims 1-6, 13-18, and 20-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable (obvious) over U.S. Patent No. 6,044,363 to Mori. Claims 7-12, 19 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Mori in view of U.S. Patent No. 6,012,045 to Barzilia. These rejections are respectfully traversed.

Summary of the Invention

The present invention is directed to an improved system and method for auctioning services. In accordance with one aspect of the present invention, buyers of services request and specify at the start of the auction the number of best bids the buyers would like to see (not the number of bids the buyer wants to place). The buyers are not the bidders in this situation. Bidding is open and takes place in continuous time, allowing service providers (i.e., the bidders) to see their competitors' bids. By requesting to see more bids, the buyers of services would have greater opportunity to evaluate service providers based on factors other than price, thereby encouraging less price competition among providers. By requesting to see fewer bids, the buyers

would have less opportunity to evaluate service providers based on factors other than price, thereby encouraging fierce price competition. The number of bids requested by the buyer is made known to the bidders. The net effect is that the buyers can control the price/quality tradeoff at the onset of the auction process, and encourage the bidders to provide their lowest bids when pricing is important. This lets the buyers make their final decision based on factors in addition to price, at the lowest price possible.

In another aspect of the present invention, a rating system is employed to rate the service buyer's transaction history, with respect to their frequency of following through with the bids for jobs that they submitted for auction. This is not a rating for the bidders. The buyer's rating is made known to the service provider before the service provider submits a bid. This rating system deters those buyers that casually shop for pricing with little chance of following through with the auction. Buyers who frequently submit jobs without executing them will get a low rating. A low rating discourages service providers from bidding, thereby decreasing the competitiveness of an auction. As a result, low-rated buyers should expect to pay more for the service provided. Consequently, buyers will be discouraged from submitting jobs that have a low chance of occurring. The buyer follow-through rating gives the bidders a better sense of the buyer's commitment prior to deciding on allocating resources to participate in bidding at the auction.

In one embodiment of the present invention, the system and method for auctioning services are implemented over an information exchange network. In a more specific embodiment of the present invention, the information exchange network is the Internet. This facilitates bringing together the many service providers in a centralized auction market using

standardized, electronic bid forms to communicate prices publicly, and service providers have a chance to adjust their prices in real time.

For purpose of illustrating the inventive concept, the present invention is described using the example of document services, and more particularly printing services.

Traversal of Prior Art Rejection of Claims 1-6, 13-18, and 20-25 Based on Mori Alone

On the onset, Applicant failed to appreciate how Mori is even applicable to the present invention. Mori is not directed to a process or system in which buyers of services request bids by service providers (i.e., bidders) at an auction, and in which the buyers of services (not the bidders, which are the service providers) specify the number of best bids to be consider from the auction, as required by claims independent claims 1, 13 and 25. Further, Mori is not directed to a process or system in which a rating is provided to the buyer who submitted a service requested by the buyer to a broker for auctioning (as opposed to bidder rating), as required by independent claim 20. No where in Mori was there any discussion or suggestion of providing buyer rating.

In fact, Applicant failed to follow how the sections in Mori as referenced by the Examiner in the office action are even on point! For example, Applicant does not see where on col. 1, line 59-col. 2, line 7, and col. 14, lines 10-34, did Mori disclose the buyer specifying at the start of the auction the number N of best bids to be considered from the auction, as proposed by the Examiner.

Applicant respectfully submits that the Examiner has read Mori out of context. Clarification of the relevance of Mori is respectfully requested. Should the Examiner maintains his rejection of the claims in another office action, based on new grounds that are not specified in

the present office action, such office action should not be made final, in order not to unreasonably compromise Applicant's opportunity to fully respond to such new rejections.

In view of the foregoing, Applicant respectfully submits that the independent claims 1, 13, 20 and 25, and all the claims dependent therefrom, are not rendered obvious over Mori. Accordingly, the claims 1-6, 13-18 and 20-25 are patentable over Mori.

Traversal of Prior Art Rejection of Claims 7-12, 19 and 26 based on Mori In Combination With Barzilia

Barzilia does not make up for the deficiencies of Mori. Barzilia, like Mori, also is not directed to a process or system in which a rating is provided to the buyer who submitted a service requested by the buyer to a broker for auctioning, as required by dependent claim 7 and 19, and independent claims 8 and 26. Instead, Barzilia is directed to a system in which the service or product providers do not bid and the buyers are the bidders. The history for the bidding buyers is provided in Barzilia instead of the non-bidding buyers in the present invention.

Incidentally, to the extent that Barzilia is applicable to the other independent claims, Barzilia, like Mori, also is not directed to a process or system in which buyers of services request bids by service providers (i.e., the bidders in Barzilia, which are not the buyers, in quite a different context) at an auction, and in which the buyers of services specify the number of best bids to be consider from the auction, as required by claims 1, 13 and 25. Barzilia instead disclosed a system in which a bidder (referred to as a "user" in Barzilia, in quite a different context) can set the number of bids that the bidder can place on a product or service that is being auctioned. The providers of the products or services do not bid in Barzilia.

Like Mori, Applicant failed to follow how the sections in Barzilia as referenced by the Examiner in the office action are even on point! Applicant respectfully requests the Examiner to clarify the sections referred in Barzilia. Applicant should not be burdened to anticipate and respond to any rejection of which the basis is not clearly specified in the office action. In the event that the Examiner presents a new rejection based on Barzilia alone or in combination with Mori in the next action, the next action should not be made final.

In view of the foregoing, Applicant respectfully submits that the dependent claims 7 and 19 from claim 1 and claim 13 respectively, and the independent claims 8 and 26 and all the claims dependent therefrom, are not rendered obvious over Mori in view of Barzilia. Accordingly, the claims 7-12, 19 and 26 are patentable over Mori.

In view of all the foregoing, applicant submits that the prior art rejection has been overcome.

Conclusion

In view of all the foregoing, Applicant submits that the claims pending in this application are patentable over the references of record and are in condition for allowance. Such action at an early date is earnestly solicited.

In the interest of forwarding the case to allowance without unnecessary delays, the Examiner is invited to call the undersigned representative to discuss any outstanding issues that may not have been adequately addressed in this response.

Respectfully submitted,

Dated: December 5, 2001

A handwritten signature in cursive script, appearing to read 'Wen Liu', is written over a horizontal line.

Wen Liu
Registration No. 32,822

LIU & LIU ^{LLP}
811 W. Seventh Street; Suite 1100
Los Angeles, California 90017
Telephone: (213) 830-5743
Facsimile: (213) 830-5741